



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Conduct a Public Hearing to consider an appeal from tenant Pablo Palaganas Sr., regarding the Notice and Order to Vacate issued for the property located at 305 E. Maple Street, Lodi.

MEETING DATE: June 19, 2002

PREPARED BY: Community Development Director

RECOMMENDED ACTION: That the City Council conduct a public hearing to consider an appeal from tenant Pablo Palaganas Sr., regarding a Notice and Order to Vacate issued for the single-family dwelling at the property located at 305 E. Maple Street, Lodi, California. Further, it is recommended that the City Council uphold the actions of the Community Improvement Division by denying the appeal and affirm the conditions noted which warranted the Notice to Vacate.

BACKGROUND INFORMATION: Pablo Palaganas Sr. is the tenant of the single-family dwelling located at 305 E. Maple Street, a residential property on which there is a single-family dwelling and a duplex dwelling. In response to complaints regarding the conditions of the property and the obvious blighted and substandard conditions that were noted around the single-family dwelling during the inspection of the rear duplex dwelling units, code enforcement personnel from the Community Improvement Division had the opportunity to inspect the single-family dwelling and found severe substandard building conditions. Those conditions, which include the lack of required heating facilities, hazardous wiring installations and the improper occupancy of the basement area as living space, warranted that the building be posted with a Notice to Vacate, which is attached as Exhibit A.

Subsequent to the issuance and posting of that Notice and Order to Vacate, Mr. Palaganas filed an appeal asking that they be allowed to stay in the dwelling for an additional two months. He states that the place that he has located to move to will not be ready until then.

It should be noted that even though an appeal was filed in proper and timely manner, Uniform Housing Code (UHC) Section 1204 states that the enforcement of an order to vacate is not stayed pending the result of the appeal. For that reason, staff has and will continue to enforce this order to vacate unless Council rules in favor of the Appellant.

UHC Section 202 declares any building, or portion thereof, as a public nuisance if substandard conditions are determined to exist. Those conditions which constitute substandard conditions are defined in UHC Section 1001, a copy of which is attached as Exhibit B for reference.

APPROVED: _____


H. Dixon Flynn -- City Manager

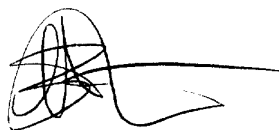
The inspection of the building found that there was no approved heating appliance in place within the dwelling and that is defined as Inadequate Sanitation in UHC Section 1001.2.6. A photo showing where the wall furnace was removed is attached as Exhibit C. The inspection also found extremely hazardous electrical wiring, outlets and fixtures in the dwelling and that is defined as Hazardous Electrical Wiring in UHC Section 1001.5. A photo showing an example of that hazardous wiring condition is attached as Exhibit D. An inspection of the basement area found that one or more of the occupants was using the basement area as a sleeping room. The use of that space for habitation is defined as Improper Occupancy in UHC Section 1001.14. There were further violations noted at the gas-fired water heater located within that basement area, where it was noted that the vent pipe for that water heater was deteriorated or improperly installed. This created even more of a hazard for the occupants of the dwelling, especially those using that basement as a sleeping room, due to the threat of carbon monoxide poisoning. That violation is defined as Hazardous Mechanical Equipment in UHC Section 1001.7. An inspection of the exterior of the dwelling found that in addition to an excessive accumulation of inoperable vehicles and debris, the electric service panel and the wiring and breakers within and around that panel were extremely deteriorated. That violation is defined as Hazardous Electrical Wiring in UHC Section 1001.5. Photos of that service panel and the surrounding electrical wiring are attached as Exhibits E & F. A photo of the exterior yard conditions is attached as Exhibit G.

While additional substandard conditions were found throughout the dwelling and noted in that Notice and Order to Vacate, the aforementioned were the most severe and warranted the issuance of a Notice to Vacate.

Amar Mathfallu, husband of the owner of record Kaur Ashwinder, has submitted a Declaration in support of Mr. Palaganas' appeal, which is attached as Exhibit H. In that declaration, Mr. Mathfallu states that they are willing to commence repairs which do not require a permit and then complete the remaining items when the property is vacated. What Mr. Mathfallu has failed to understand is that all the repairs necessary at this dwelling will require the issuance of a permit, with the exception of the clean up of the exterior of the property. As of this date, no progress has been made with any repairs or clean up of the exterior of the property as Mr. Mathfallu stated in his Declaration.

Staff recommends that the City Council uphold the actions of the Community Improvement Division by denying the appeal and an order be issued, and certified by the City Clerk, that affirms that the conditions noted in the Notice and Order to Vacate do constitute unsafe building conditions and as such are a public nuisance.

FUNDING: No funding required.



Konradt Bartlam
Community Development Director

Prepared by Community Improvement Manager Joseph Wood

KB/jw

c: City Attorney
Property Owner
Appellant

CITY COUNCIL

PHILLIP A. PENNINO, Mayor
SUSAN HITCHCOCK
Mayor Pro Tempore

EMILY HOWARD

KEITH LAND

ALAN S. NAKANISHI

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
COMMUNITY IMPROVEMENT DIVISION
(209) 333-6823
FAX (209) 333-6842

H. DIXON FLYNN
City Manager

SUSAN J. BLACKSTON
City Clerk

RANDALL A. HAYS
City Attorney

NOTICE AND ORDER TO VACATE

May 1, 2002

Kaur Ashwinder
PO Box 581
Acampo, CA 95220

Page 1 of 5

SUBJECT ADDRESS: 305 MAPLE ST. - PARCEL NO. 047-220-02

The subject property has been determined to be a substandard building under Uniform Housing Code Section 1001. Inspections by this department found the following hazardous conditions as noted on the attached list of violations which render the building substandard under the provisions of the Uniform Housing Code:

These conditions pose such an immediate threat to the life, limb, health, safety and welfare of the public at large and the occupants of this property to constitute an emergency. Therefore, notice is hereby given that this property must be vacated within 15 days of the date of mailing of this notice as required by Uniform Housing Code, section 1101.2(3)(3.2).

A copy of this Notice and Order will be posted on the property. No person shall remain or enter the posted property unless a permit has been acquired to repair, demolish or remove the building. No person shall remove or deface any such Notice after it is posted until the required repairs, demolition or removal have been completed and approved by the City of Lodi. Any person violating these provisions is guilty of a misdemeanor and is subject to imprisonment in the County jail for six months or a fine of \$1,000 or both.

Pursuant to Section 301 of the Uniform Housing Code, no building or structure regulated by that code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the Community Development Department - Building Division. Such permit(s) must be obtained within 15 days from the Building Division at 221 West Pine Street, Lodi, California, 95240.

EXHIBIT A

May 1, 2002

Kaur Ashwinder
PO Box 581
Acampo, CA 95220

Page 2 of 5

SUBJECT ADDRESS: 305 MAPLE ST. - **PARCEL NO. 047-220-025**

Any person having record title or legal interest in this property may appeal from this Notice and Order to Vacate to the City Council in accordance with Section 15.24.040., Lodi Municipal Code. Any appeal must be made in writing and submitted within 10 days from the date of mailing of this notice. This may be done by filling out an application at the Community Development Department, 221 West Pine Street, Lodi, California. Submission of an appeal does not stay the Order to vacate the premises (Uniform Housing Code, section 1204). Failure to file such an appeal in accordance with the provisions of sections 1101 and 1201 of the Uniform Housing Code shall constitute a waiver of all rights to an administrative hearing and adjudication of the Notice and Order or to any portion thereof.

Your maintenance of substandard housing may subject you to loss of deductions for interest, depreciation, taxes, and amortization pursuant to the Revenue and Taxation Code of the State of California, sections 17274 and 34436.5.

NOTE: Failure to abate will result in reinspection fee(s) for each inspection until compliance is obtained. The amount charged for reinspection(s) is determined by the fee schedule of the individual departments.

If you have any questions regarding this matter, please contact Joseph Wood at
(209) 333-6823.

COMMUNITY DEVELOPMENT DEPARTMENT

ROBERT HOLDSWORTH
COMMUNITY IMPROVEMENT OFFICER
COMMUNITY IMPROVEMENT DIVISION

cc: Palaganus Family, 305 Maple St. Lodi, CA 95240
Street Files

**NOTICE AND ORDER RENDERING
THE BUILDING DANGEROUS
(U.H.C. SECTION 1101)**

May 1, 2002

Kaur Ashwinder
PO Box 581
Acampo, CA 95220

Page 3 of 5

SUBJECT ADDRESS: 305 MAPLE ST. - **PARCEL NO. 047-220-02**

1. The general condition of the dwelling is one of dilapidation and deterioration and is manifestly unsafe and unfit for human habitation. The property and dwelling have therefore become a public nuisance.
Uniform Housing Code Section 1001.11
Uniform Housing Code Section 1001.14
2. There are no heating facilities capable of maintaining a room temperature of 70 degrees 3' above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition in accordance with Section 3102 of the Uniform Building Code, the Uniform Mechanical Code and all other applicable laws.
Uniform Housing Code Section 701.1
Uniform Housing Code Section 701.2
Uniform Housing Code Section 701.3
3. Discontinue the use of the basement for living and sleeping purposes. Remove all material that is indicative of such a use or occupancy.
Uniform Housing Code Section 1001.4
Uniform Housing Code Section 1001.14
4. There are hazardous receptacles throughout the dwelling. Additional wiring and circuits have been installed incorrectly. A review of the street file indicates no permit or inspections for the work done. Rewire the dwelling
Uniform Housing Code Section 1001.5
5. Replace the improperly maintained wiring, fixtures and equipment at the service panel to eliminate the potential fire and safety hazard.
Uniform Housing Code Section 1001.5
National Electrical Code Section 202

Listed below are violations/conditions which do not render the building hazardous but are a component part of this Notice and Order and must be corrected to bring this property into compliance with the Uniform Housing Code and/or the Lodi Municipal Code.

INTERIOR

5. The wall coverings throughout the dwelling are damaged and deteriorated. Prepare and paint the interior of the dwelling in an approved manner.
Uniform Housing Code Section 1001.2.13

May 1, 2002

Kaur Ashwinder
PO Box 581
Acampo, CA 95220

Page 4 of 5

SUBJECT ADDRESS: 305 MAPLE ST. - **PARCEL NO. 047-220-02**

6. Replace the damaged floor coverings in the bathrooms and kitchen in an approved manner.
Uniform Housing Code Section 1001.2.13
7. Repair the split seam on the toilet in the main bathroom and the 2-fixture bathroom off the bedroom in an approved manner.
Uniform Housing Code Section 1001.6
8. Repair the split seam on the toilet in the main bathroom and the 2 fixture bathroom off the bedroom in an approved manner.
Uniform Housing Code Section 1001.6
9. Replace the kitchen cabinetry, sink, faucets and P-trap in an approved manner.
Uniform Housing Code Section 1001.2.13
10. Locate and eliminate source of excessive moisture that is causing mold to form. Clean mold from carpet, walls, and ceilings and maintain in a sanitary condition.
Uniform Housing Code Section 1001.2.11

BASEMENT

11. Replace the damaged gas line to the water heater in an approved manner
Uniform Housing Code Section 1001.6
12. Replace the damaged draft hood for the water heater in an approved manner.
Uniform Housing Code Section 1001.6
13. Install a new Temperature and Pressure Relief Valve with a ¾" drain line that terminates at the exterior of the building no higher than 24" and no lower than 6" from grade with the end pointing downwards. The terminal end may not be threaded.
Uniform Housing Code Section 1001.6
14. Install seismic strapping at the top and bottom third of the water heater in an approved manner.
Uniform Housing Code Section 1001.6

EXTERIOR

15. Replace all the damaged and deteriorated window units throughout the dwelling in an approved manner. Installation to meet current code requirements.
Uniform Housing Code Section 1001.8.2
16. Replace the damaged front entry door with a 1¾" solid core door assembly in an approved manner.
Uniform Housing Code Section 1001.8.2

May 1, 2002

Kaur Ashwinder
PO Box 581
Acampo, CA 95220

Page 5 of 5

SUBJECT ADDRESS: 305 MAPLE ST. - **PARCEL NO. 047-220-02**

17. Replace the damaged rear exit door. Install a 13/8" solid core door and assembly in an approved manner.
Uniform Housing Code Section 1001.8.2
18. The exterior siding is deteriorated and damaged and lacks adequate weather protection. Replace the exterior siding in an approved manner.
Uniform Housing Code Section 1001.8.3
19. Remove the inoperable vehicles from the property in an approved manner.
Uniform Housing Code Section 1001.4
Lodi Municipal Code Section 10.56.020
20. Remove the trash, debris, car parts, trash bins and personal belongings from the property in an approved manner.
Uniform Housing Code Section 1001.2.13
Uniform Housing Code Section 1001.2.15
21. Replace the damaged light fixture at the front entry door in an approved manner.
Uniform Housing Code Section 1001.5

PERMIT REQUIREMENTS

A Licensed Electrical Contractor will apply for and obtain the necessary permit for all required electrical work.

The necessary a permit for Building, Plumbing and Mechanical work may be obtained by the owner if he or she is doing the work. Otherwise a licensed contractor acting as agent for the property owner is required to obtain the permit.

Chapter 10 SUBSTANDARD BUILDINGS

SECTION 1001 — DEFINITION

1001.1 General. Any building or portion thereof that is determined to be an unsafe building in accordance with Section 102 of the Building Code, or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof, shall be deemed and hereby are declared to be substandard buildings.

1001.2 Inadequate Sanitation. Buildings or portions thereof shall be deemed substandard when they are insanitary. Inadequate sanitation shall include, but not be limited to, the following:

1. Lack of or improper water closet, lavatory, bathtub or shower in a dwelling unit or lodging house.
2. Lack of or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.
3. Lack of or improper kitchen sink in a dwelling unit.
4. Lack of hot and cold running water to plumbing fixtures in a hotel.
5. Lack of hot and cold running water to plumbing fixtures in a dwelling unit or lodging house.
6. Lack of adequate heating facilities.
7. Lack of or improper operation of required ventilating equipment.
8. Lack of minimum amounts of natural light and ventilation required by this code.
9. Room and space dimensions less than required by this code.
10. Lack of required electrical lighting.
11. Dampness of habitable rooms.
12. Infestation of insects, vermin or rodents as determined by the health officer.
13. General dilapidation or improper maintenance.
14. Lack of connection to required sewage disposal system.
15. Lack of adequate garbage and rubbish storage and removal facilities as determined by the health officer.

1001.3 Structural Hazards. Buildings or portions thereof shall be deemed substandard when they are or contain structural hazards. Structural hazards shall include, but not be limited to, the following:

1. Deteriorated or inadequate foundations.
2. Defective or deteriorated flooring or floor supports.
3. Flooring or floor supports of insufficient size to carry imposed loads with safety.
4. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.
5. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.
6. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that sag, split or buckle due to defective material or deterioration.

7. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.

8. Fireplaces or chimneys that list, bulge or settle due to defective material or deterioration.

9. Fireplaces or chimneys that are of insufficient size or strength to carry imposed loads with safety.

1001.4 Nuisance. Buildings or portions thereof in which there exists any nuisance as defined in this code are deemed substandard buildings.

1001.5 Hazardous Electrical Wiring. Electrical wiring that was installed in violation of code requirements in effect at the time of installation or electrical wiring not installed in accordance with generally accepted construction practices in areas where no codes were in effect or that has not been maintained in good condition or that is not being used in a safe manner shall be considered substandard.

1001.6 Hazardous Plumbing. Plumbing that was installed in violation of code requirements in effect at the time of installation or plumbing not installed in accordance with generally accepted construction practices in areas where no codes were in effect or that has not been maintained in good condition or that is not free of cross-connections or siphonage between fixtures shall be considered substandard.

1001.7 Hazardous Mechanical Equipment. Mechanical equipment that was installed in violation of code requirements in effect at the time of installation or mechanical equipment not installed in accordance with generally accepted construction practices in areas where no codes were in effect or that has not been maintained in good and safe condition shall be considered substandard.

1001.8 Faulty Weather Protection. Buildings or portions thereof shall be considered substandard when they have faulty weather protection, which shall include, but not be limited to, the following:

1. Deteriorated, crumbling or loose plaster.
2. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
3. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
4. Broken, rotted, split or buckled exterior wall coverings or roof coverings.

1001.9 Fire Hazard. Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that, in the opinion of the chief of the fire department, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause shall be considered substandard.

1001.10 Faulty Materials of Construction. The use of materials of construction, except those that are specifically allowed or approved by this code and the Building Code, and that have been adequately maintained in good and safe condition, shall cause a building to be substandard.

1001.11 Hazardous or Insanitary Premises. The accumulation of weeds, vegetation, junk, dead organic matter, debris, gar-

bage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions on a premises constitutes fire, health or safety hazards that shall be abated in accordance with the procedures specified in Chapter 11 of this code.

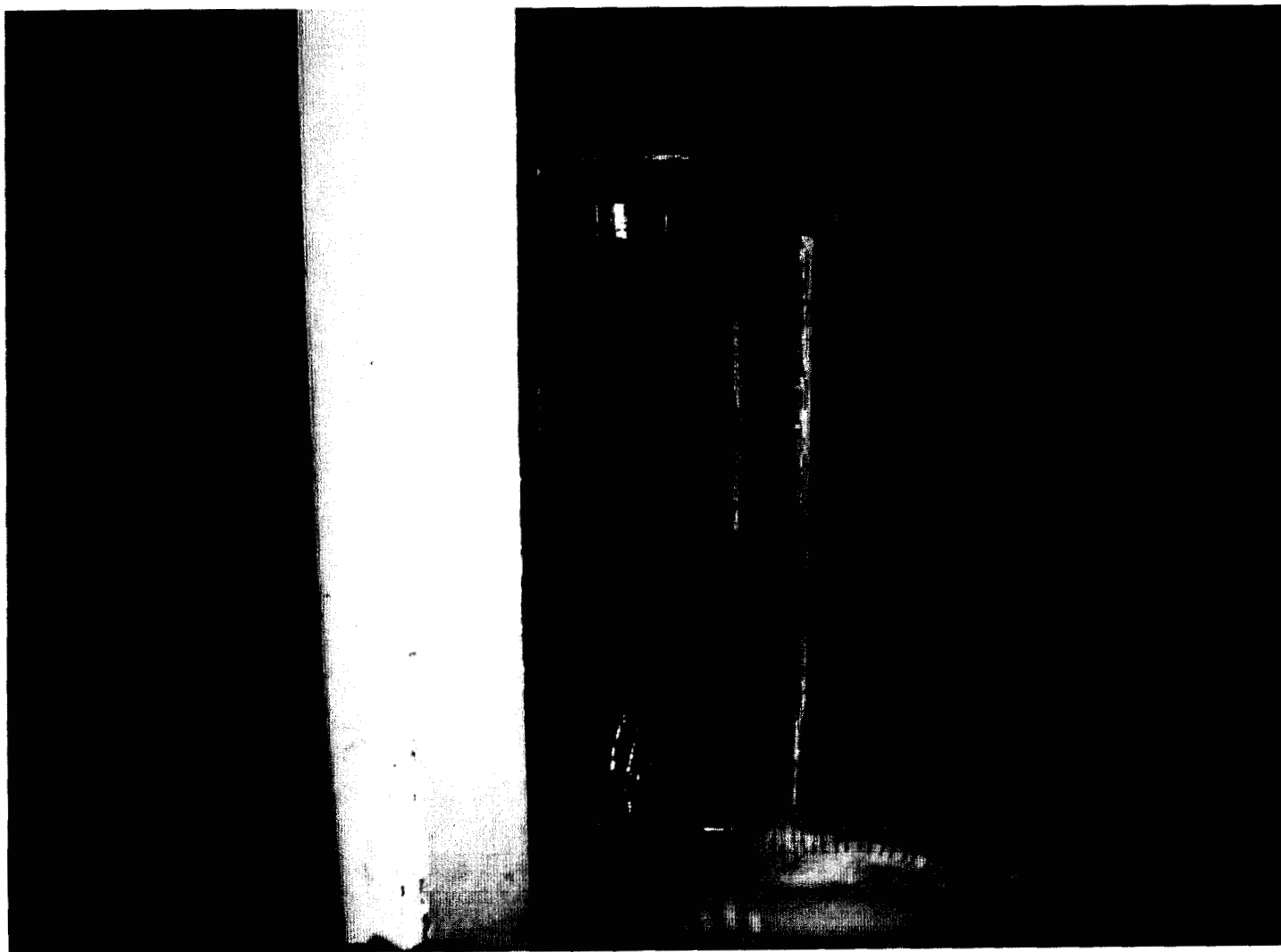
1001.12 Inadequate Exits. Except for those buildings or portions thereof that have been provided with adequate exit facilities conforming to the provisions of this code, buildings or portions thereof whose exit facilities were installed in violation of code requirements in effect at the time of their construction or whose exit facilities have not been increased in number or width in relation to any increase in occupant load due to alterations, additions or change in use or occupancy subsequent to the time of construction shall be considered substandard.

Notwithstanding compliance with code requirements in effect at the time of their construction, buildings or portions thereof shall be considered substandard when the building official finds that an unsafe condition exists through an improper location of exits, a

lack of an adequate number or width of exits, or when other conditions exist that are dangerous to human life.

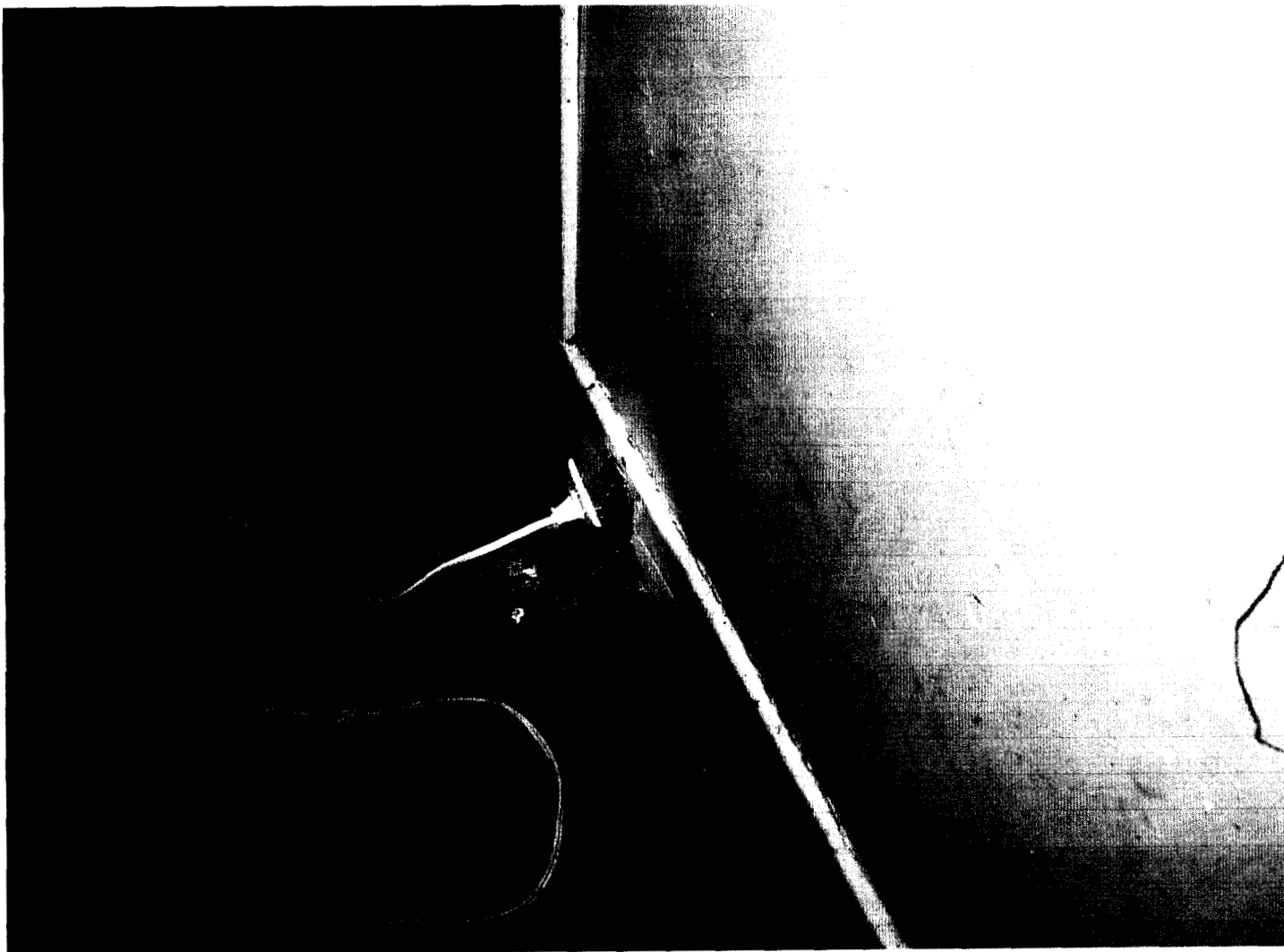
1001.13 Inadequate Fire-protection or Firefighting Equipment. Buildings or portions thereof shall be considered substandard when they are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof that conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

1001.14 Improper Occupancy. All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes that were not designed or intended to be used for such occupancies shall be considered substandard.



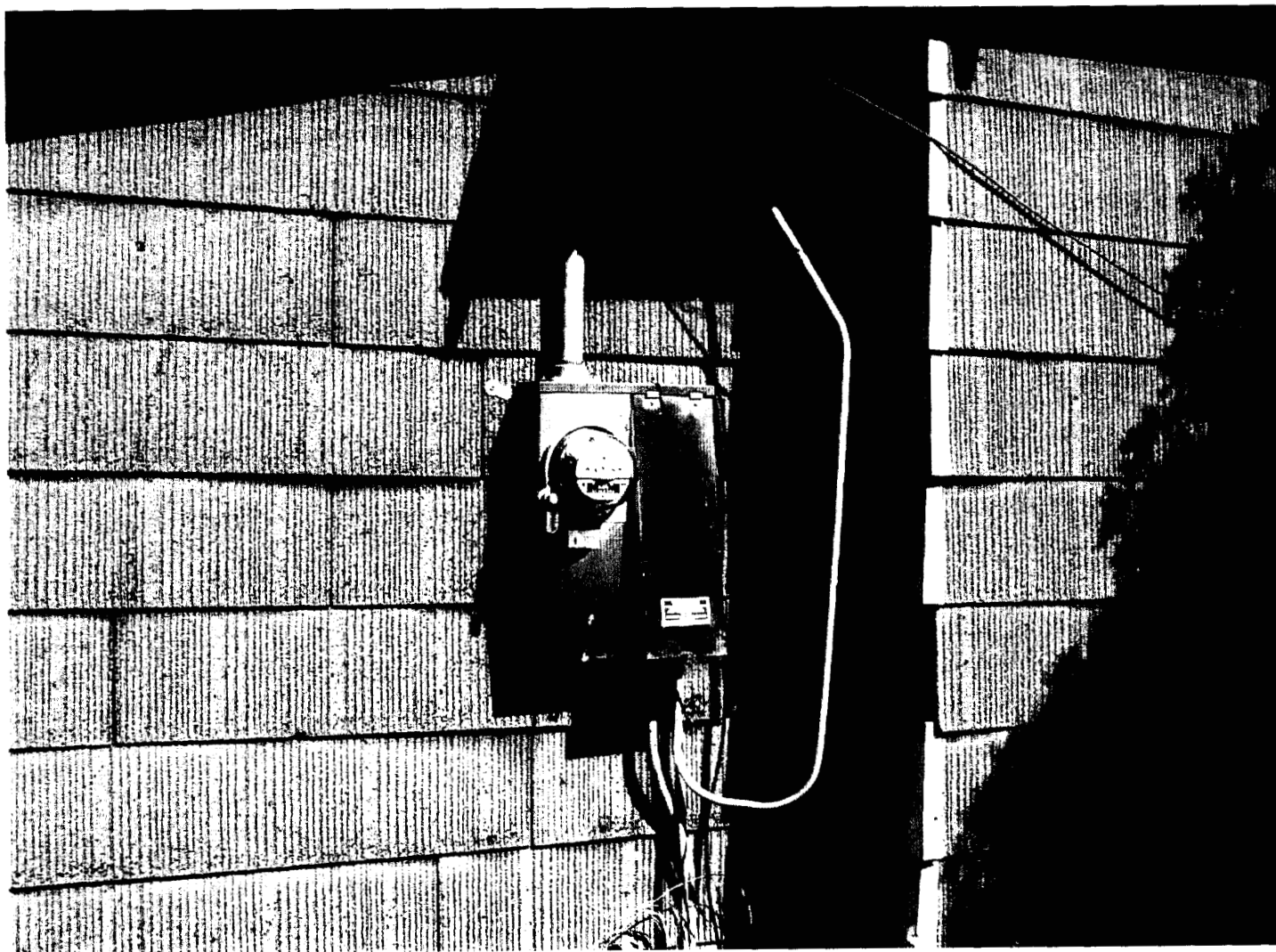
305 MAPLE - WALL FURNACE REMOVED

EXHIBIT C



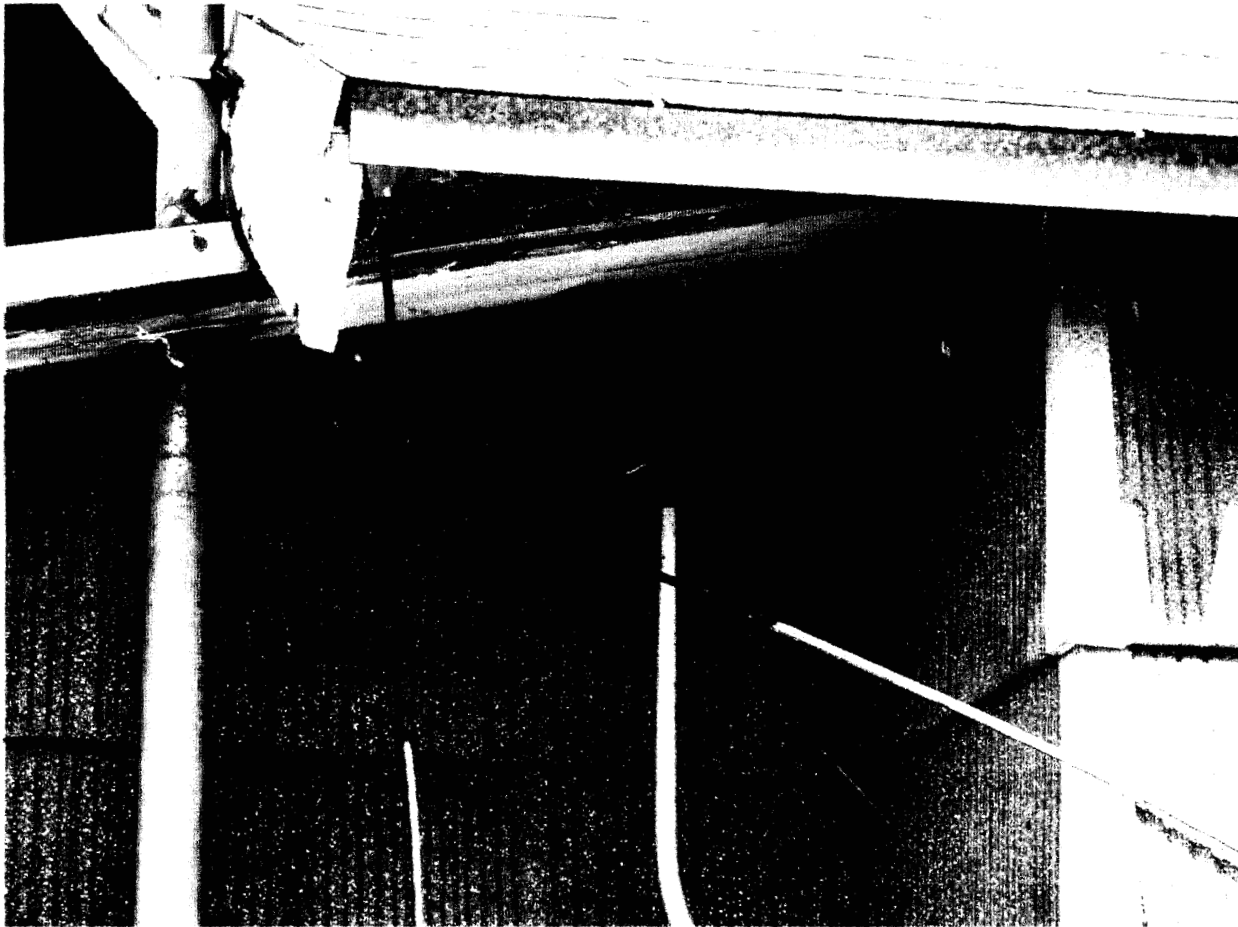
305 MAPLE - SUBSTANDARD ELECTRICAL

EXHIBIT D



305 MAPLE - DETERIORATED ELECTRICAL SERVICE

EXHIBIT E



305 MAPLE - DETERIORATED ELECTRICAL

EXHIBIT F

EXHIBIT G

305 MAPLE - EXTERIOR YARD CONDITIONS



DECLARATION OF AMAR MATHFALLU

I, AMAR MATHFALLU, declare that I am the husband of KAUR ASHWINDER, the owner of the home located at 305 E. Maple Street, Lodi, California. I am making this Declaration in support of PABLO PALANAJAS' request for a delay in moving out of the residence at 305 E. Maple Street, Lodi, California.

We are willing to start fixing those items listed in the Notice and Order to Abate that can be done without a permit; i.e., replace windows, replace exterior doors and replace exterior siding, and then obtain permits and complete the other work after PABLO PALANAJAS has moved.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: May 13, 2002



AMAR MATHFALLU

EXHIBIT H



DECLARATION OF MAILING

Set Public Hearing for June 19, 2002 to consider an appeal from tenant Pablo Palaganas, Sr. regarding Notice and Order to Vacate issued for the property located at 305 East Maple Street, Lodi

On June 6, 2002 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, and additionally, United States certified mail envelopes with first-class postage prepaid thereon and indication of return receipt requested, containing a letter of notification, a copy of which is attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

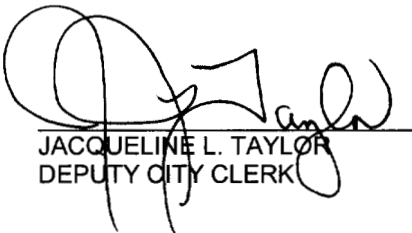
I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 6, 2002, at Lodi, California.

ORDERED BY:

SUSAN BLACKSTON
CITY CLERK, CITY OF LODI

ORDERED BY:


JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK



MAILING LIST

PUBLIC HEARING FOR JUNE 19, 2002 TO CONSIDER AN APPEAL FROM TENANT PABLO PALAGANAS, SR. REGARDING NOTICE AND ORDER TO VACATE ISSUED FOR THE PROPERTY LOCATED AT 305 EAST MAPLE STREET, LODI

Property Tenant Appealing Order:

Pablo Palaganas, Sr.
P.O. Box 751
Clements, CA 95227

(sent 2 letters, one via U.S. mail and one via U.S. Certified mail)

Property Owner of Record:

Kaur Ashwinder & Amar Singh Mathfallu
P.O. Box 581
Acampo, CA 95220

(sent copy of letter via U.S. mail)

Other Tenants at that Property:

Cielo Hernandez
305½ East Maple Street #1
Lodi, CA 95240

(sent copy of letter via U.S. mail)

Gabriel & Maria Cepeda
305½ East Maple Street #2
Lodi, CA 95240

(sent copy of letter via U.S. mail)

CITY COUNCIL

PHILLIP A. PENNINO, Mayor
SUSAN HITCHCOCK,
Mayor Pro Tempore
EMILY HOWARD
KEITH LAND
ALAN S. NAKANISHI

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702
FAX (209) 333-6807
cityclrk@lodi.gov

H. DIXON FLYNN
City Manager
SUSAN J. BLACKSTON
City Clerk
RANDALL A. HAYS
City Attorney

June 6, 2002

MAILED CERTIFIED MAIL #7000 1670 0008 4483 0954
AND REGULAR U.S. POSTAL DELIVERY

Pablo Palaganas, Sr.
P.O. Box 751
Clements, CA 95227

**RE: PUBLIC HEARING FOR JUNE 19, 2002 TO CONSIDER AN APPEAL FROM
TENANT PABLO PALAGANAS, SR. REGARDING NOTICE AND ORDER TO
VACATE ISSUED FOR THE PROPERTY LOCATED AT 305 EAST MAPLE
STREET, LODI**

This letter is to notify you that a Public Hearing will be held by the City Council on **Wednesday, June 19, 2002**, at 7:00 p.m., or as soon thereafter as the matter can be heard, at the Carnegie Forum, 305 W. Pine Street, Lodi.

This hearing is being held to consider the appeal of Pablo Palaganas, Sr. regarding the Notice and Order to Vacate issued for the property located at 305 East Maple Street, Lodi.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.
Note: Written correspondence for the City Council may be mailed in c/o the City Clerk's Office, P.O. Box 3006, Lodi, CA 95241-1910, or delivered to the City Clerk at 221 West Pine Street, Lodi, California.

All proceedings before the City Council are conducted in English. The City of Lodi does not furnish interpreters, and, if one is needed, it shall be the responsibility of the person needing one.

Should you have any questions, please contact Community Improvement Manager Joseph Wood in the Community Development Department at (209) 333-6823.

Sincerely,



Susan J. Blackston
City Clerk

SJB/JLT

cc: Community Development Director
Kaur Ashwinder and Amar Singh Mathfallu
Cielo Hernandez
Gabriel & Maria Cepeda

pubhear/notices/LappealLtr.doc

CITY OF LODI

CITY HALL, 221 W. PINE ST.
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

Office of the City Clerk

Pablo Palaganas, Sr.
P.O. Box 751
Clements, CA 95227

RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Pablo Palaganas, Sr.
P.O. Box 751
Clements, CA 95227

4a. Article Number
7000 1670 0008 4483 0978

4b. Service Type
☐ Registered ☒ Return Receipt Requested ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF RETURN ADDRESS. FOLD AT DOTTED LINE.

CERTIFIED MAIL

7000 1670 0008 4483 0978

7000 1670 0008 4483 0978

Postage	\$.34
Certified Fee	2.10
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	—
Total Postage & Fees	\$ 3.94

Sent to: Pablo Palaganas, Sr.
Street: PO Box 751
City: Clements, CA 95227

Postmark Here

Thank you for using Return Receipt Service.



DECLARATION OF POSTING

Set Public Hearing for June 19, 2002 to consider an appeal from tenant Pablo Palaganas, Sr. regarding Notice and Order to Vacate issued for the property located at 305 East Maple Street, Lodi

On Thursday, June 6, 2002 in the City of Lodi, San Joaquin County, California, a copy of Notice of Public Hearing for June 19, 2002 to consider an appeal from tenant Pablo Palaganas, Sr. regarding Notice and Order to Vacate issued for the property located at 305 East Maple Street, Lodi (attached hereto, marked Exhibit "A") was posted at the following four locations:

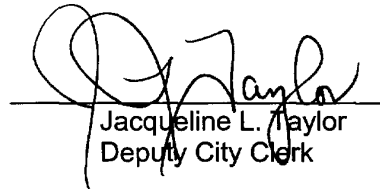
Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 6, 2002 at Lodi, California.

ORDERED BY:

**SUSAN J. BLACKSTON
CITY CLERK**


Jacqueline L. Taylor
Deputy City Clerk

Jennifer M. Perrin
Deputy City Clerk



CITY OF LODI
Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: June 19, 2002

Time: 7:00 p.m.

For information regarding this notice please contact:

Susan J. Blackston
City Clerk
Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, June 19, 2002** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) an appeal from tenant Pablo Palaganas, Sr. regarding Notice and Order to Vacate issued for the property located at 305 East Maple Street, Lodi, California.

Information regarding this item may be obtained in the office of the Community Development Department Director, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

Susan J. Blackston
City Clerk

Dated: June 5, 2002

Approved as to form:

Randall A. Hays
City Attorney

1.
filed 6-19-02

TO WHOM IT MAY CONCERN;

THERE BEEN 8 TO 9 CARS PARKED IN FRONT YARD OF 305 MAPLE ST. THREE OF THESE CARS DON'T RUN. TRASH ALL OVER FRONT AND SIDE YARD (DRIVE WAY) ONE REFRIDG OUT ALONG HOUSE FOR TWO MONTHS NOW. VEGETABLES IN BOXES STACKED UP ALONG HOUSE. SOMETIMES THESE SIT FOR WEEKS IN HOT SUN. JUST ABOUT EVERYDAY I SEE SOMEONE URINATING ALONG THE FENCE.

THE ORIGINAL TWO ADULTS WHO RENTED THIS HOUSE HASN'T LIVED THERE FOR ABOUT 1 1/2 YEARS NOW, BUT I SEE NEW FACES AND CARS THERE EVERY WEEK. PEOPLE LIVING OUT OF JUNK CARS. 4 TO 8 ADULTS THERE AT ALL TIMES, PLUS SMALL CHILDREN.

SHORT TERM TRAFFIC (LOTS) ALMOST TO THE POINT AT TIMES, WHERE ONE CAR LEAVES AND BEFORE IT MOVES TWO CAR LENGTHS ANOTHER ONE TAKES ITS PLACE. AT TIMES 15 TO 20 CARS A NIGHT, AND NOT COUNTING THE BIKE TRAFFIC AFTER DARK. BOY! THIS MAKES US NEIGHBORS FEEL SAFE.

PEOPLE PARKING ON END OF DRIVE WAY HALF IN, AND HALF OUT. THIS GOES ON FOR

2.

HOURS

THESE PEOPLE DON'T CARE HOW MUCH NOISE THEY MAKE. WORKING ON CARS ALL NITE LONG. ENGINES STARTING UP RACING AND TURNED OFF. CAR DOORS SLAMING ALL NITE.

I LIVED IN THIS AREA FOR 6 YEARS NOW, AND WE HAVE HAD OUR PROBLEMS WITH DIFFERENT PEOPLE AT THIS ADDRESS, BUT THESE PEOPLE DON'T RESPECT OTHER PEOPLE. SINCE THEY MOVED IN THE GANG SIGHTINGS HAVE BEEN MORE.

PEOPLE WALKING DOWN THIS STREET CROSS OVER TO THE OTHER SIDE WHEN THEY GET TO THIS HOUSE.

PLEASE TAKE CARE OF THIS PROBLEM FOR OUR NEIGHBOR HOOD.

THANKS

To Whom it May Concern,

6-18-02

The continued occupancy of current

TENANTS AT 305 Maple St. Los Angeles, CA.

deprives me of the Peace and Tranquility

of the usage of my own house.

Since they have a high volume of

traffic they blast their stereos very

loud after 12 PM at night. with total

disregard for the other residences, and

myself.

The property is sub standard with

vehicles parking on lawns, driving up sidewalks,

blocking traffic, parking everywhere.

I have had complaints from others

of possible drug traffic.

Garbage is strewn around, and creates

an unsightly appearance of said property.

The residence serves as a magnet to

criminal activity.

Sincerely,

Gary Korman

Oliver Korman

DEAR: LODI CITY COUNCIL.

I AGREE WITH MY NEIGHBORS.
THESE PEOPLE ARE VERY ANNOYING
THEY ARE VERY NOISY, THEY
SEEM NOT TO CARE ABOUT THEIR
NEIGHBORHOOD, THEY HAVE A MESS
ON THEIR FRONT YARD, THEIR VISM
WHEN THEY COME THEY ALSO DON'T
BEHAVE THEY. PLAY LOUD MUSIC,
THE COPS COME VERY OFTEN, BUT
NOTHING REALLY HELPS. PLEASE
DO SOMETHING ABOUT THIS
MATTER SOON.

WE WILL APPRECIATED.

THANKS.

CITY COUNCIL

PHILLIP A. PENNINO, Mayor

SUSAN HITCHCOCK
Mayor Pro Tempore

EMILY HOWARD

KEITH LAND

ALAN S. NAKANISHI

CITY OF LODI

CITY HALL, 221 WEST PINE STREET

P.O. BOX 3006

LODI, CALIFORNIA 95241-1910

COMMUNITY IMPROVEMENT DIVISION

(209) 333-6823

FAX (209) 333-6842

H. DIXON FLYNN

City Manager

SUSAN J. BLACKSTON

City Clerk

RANDALL A. HAYS

City Attorney

FILE

June 21, 2002

Pablo Palaganas, Sr.
P.O. Box 751
Clements, CA 95227

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305 MAPLE STREET - PARCEL NO. 047-220-02
ORDER OF THE CITY COUNCIL

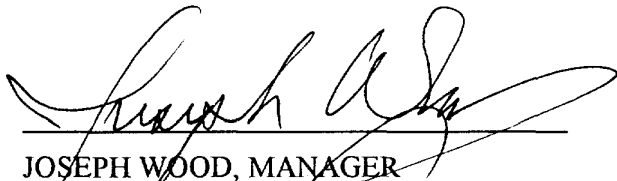
On June 19, 2002, the Lodi City Council, acting as the Board of Appeals, conducted a public hearing to hear your appeal regarding the Notice and Order to Vacate that was issued on May 1, 2002, for the above-mentioned address, for which you are a tenant of.

During that public hearing, the City Council heard and considered testimony from the Community Development Department staff, and from members of the public, in relation to the conditions that exist in and around the structure that warranted the issuance of the Notice and Order to Vacate.

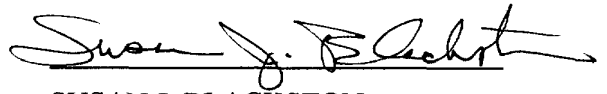
Pablo Palaganas, Sr.
P.O. Box 751
Clements, CA 95227

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After full and fair consideration of the evidence and testimony received at that hearing, the City Council affirmed staffs findings and conditions that the building, or portion thereof, was unsafe and a public nuisance and thereby denied the appeal and issued the order, to be certified by the City Clerk, that the building or structure be vacated within 10 days from the issuance of their order.



JOSEPH WOOD, MANAGER
COMMUNITY IMPROVEMENT DIVISION
COMMUNITY DEVELOPMENT DEPARTMENT



SUSAN J. BLACKSTON
CITY CLERK

c: Kaur Ashwinder & Amar Singh Mathfallu